

Filed for intro on 05/18/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB1928  
By Leatherwood

AN ACT to amend Chapter 223 of the Acts of 1901, as amended by Chapter 974 of the Private Acts of 1921, Chapter 41 of the Private Acts of 1959, and all other acts amendatory thereto, relative to the charter of the City of Ripley.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 223 of the Acts of 1901, as amended by Chapter 974 of the Private Acts of 1921, Chapter 41 of the Private Acts of 1959, and all other acts amendatory thereto, is amended by deleting Section 7 in its entirety and substituting instead the following:

SECTION 7. Be it further enacted, That the Board of Mayor and Aldermen may elect at any time such officers and/or agents as they may deem necessary, and may provide for same, by ordinance, and shall have the power to prescribe their duties and regulate the performance thereof. The salary of said officers and/or agents shall be fixed by the Board before their election or appointment, and the Board shall have the power to dismiss any of them from office for neglect of duty or any other cause, two-thirds (2/3) of the Board concurring in such dismissal. The Board shall also, at one of its meetings in December of each year, fix the salary of the Mayor and Aldermen for the

ensuing fiscal year, which shall not be changed, unless two-thirds (2/3) of the Board concur in said changes.

SECTION 2. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting Section 10 in its entirety and substituting instead the following:

SECTION 10. Be it further enacted, That there is hereby created a City Court for the City of Ripley which shall have exclusive original jurisdiction of all violations of municipal ordinances.

Be it further enacted, That there shall be a City Judge who shall hold and preside over the City Court. The Judge shall be (a) not less than thirty (30) years of age and (b) a resident of the State of Tennessee for five (5) years next preceding their election, and (c) a resident of the City of Ripley for one (1) year next preceding their election. He/she shall be elected for an eight-year term, with exception of the initial term as set forth herein, by popular vote of the qualified voters of the City of Ripley. The initial term for the City Judge shall be from the date of passage of this provision by vote of the Board of Mayor and Aldermen until the next regular August general state election. The Board of Mayor and Aldermen may appoint a qualified person to serve in the position of City Judge until said next regular August general state election. The first city judge popularly elected pursuant to this provision shall be elected at the next regular August general state election that takes place at least thirty (30) days after the passage of this provision by vote of the Board of Mayor and Aldermen, calling for the judge's election. The person elected at this election shall serve only until replaced by a successor to be chosen at the next regular judicial election held in accordance with Article VII, Section 5 of the Tennessee Constitution. All subsequent elections for city judge pursuant to this provision shall be held in accordance with Article VII, Section 5 of the Tennessee Constitution.

Be it further enacted, That a vacancy in the office of the popularly elected city judge shall be filled by appointment by the Board of Mayor and Aldermen of the City of

Ripley. The person appointed, however, may serve only until the next regular August general state election. At this election, a person shall be elected to serve any unexpired term if the full term is not to be filled at the election. In the temporary absence or inability of the City Judge, the Board of Mayor and Aldermen shall appoint a qualified person to serve until the Judge's return.

Be it further enacted, That the salary of the popularly elected City Judge shall be fixed by the Board of Mayor and Aldermen by resolution prior to the term of office and shall not be increased nor diminished during the term. The salary shall be paid monthly from the general fund of the City of Ripley. Except as otherwise provided in this section relative to the salary of the popularly elected judge, the Board of Mayor and Aldermen shall set the annual budget of the City Court. All fees and other emoluments which shall accrue because of services rendered by the City Judge shall be the property of and shall be paid to the City of Ripley.

Be it further enacted, That the City Court shall have subject matter jurisdiction concurrent with General Sessions Courts; that so far as same is applicable to the court, the Judge, and the cases within the jurisdiction of the City Court, the laws regulating the forms of process, the trial of cases, judgments, right to appeal, procedure for appeal, the collection of fines and costs, and other procedural matter, shall be the same as in General Sessions Courts.

SECTION 3. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting Section 12 in its entirety and substituting instead the following:

SECTION 12. [Reserved.]

SECTION 4. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting Section 14 in its entirety and substituting instead the following:

SECTION 14. Be it further enacted, That the Recorder-Treasurer shall receive from the collector of corporate funds, and receipt for, take care of, and keep a proper

and true account of all such funds of whatever nature that may come into his hands, and for such purpose he shall keep books as the Board of Mayor and Aldermen may direct.

SECTION 5. Chapter 223 of the Acts of 1901, as amended, is further amended by deleting Section 15 in its entirety and substituting instead the following:

SECTION 15. Be it further enacted, That persons entitled to vote in the corporate elections for the City of Ripley shall be those persons who have resided within the corporate limits for three (3) months next preceding the election and are otherwise qualified to vote for state and county officers. Freeholders of the City of Ripley who are not residents of the City shall likewise be entitled to vote in corporate elections provided that they are qualified to vote for state and county officers. Freeholders who have title to more than one piece of property within the corporate limits shall vote in the district in which the single parcel of highest assessed value is located.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the governing body of the City of Ripley. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Ripley and certified to the secretary of state.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 6.